IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 7147 of 2007(A)

PETITIONER:

VIMALA,
'THOTTAPPALLY', THANNEERMUKKOM P.O., CHERTHALA.

BY ADV. SRI.A.KRISHNAN

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, TRIVANDRUM.

2. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KERALA STATE ELECTRICITY BOARD, CHERTHALA.

4. RAJAMMA,
'SATHEESH BHAVAN', THANNEERMUKKOM P.O.,
CHERTHALA.

BY ADV. SRI.TONY GEORGE KANNANTHANAM
SRI.JOSE J.MATHEIKEL, SC, KSEB
GOVT. PLEADER SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 7147/2007 **APPENDIX**

PETITIONER'S EXHIBITS

Ext.P1: True copy of the order dated 04-01-2007

Ext.P2: True copy of the order dated 02-02-2007

Ext.P3: Rough sketch of the property

RESPONDENT'S EXHIBITS

Ext.R4(a) ;Copy of Report dated 26-12- 2006 issued by Tahsildar Taluk Office, Cherthala

Ext.R4(b) : Copy of Report issued from the Asst. Executive Engineer K.S.E.B. Cherthala

//True copy//

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.7147 of 2007-A

Dated this the 27th day of March, 2007

JUDGMENT

The petitioner challenges Ext.P2 order of the Additional District Magistrate granting permission to draw electricity line to give power connection to the 4th respondent. Two contentions were mainly raised before me. The first was that the original proposal was approved by the Additional District Magistrate, as per Ext.P1. When it was modified as per Ext.P2, she was not heard. Secondly, it was submitted that there is an alternative route suggested by her. If it is accepted, it will be more beneficial to all concerned. The petitioner has also produced a sketch along with the writ petition which is marked as Ext.P3. Based on the said sketch, this Court passed an interim order.

2. The third respondent has filed a counter affidavit and also produced a sketch along with it. The third respondent has submitted that taking into account the objections of the petitioner against Ext.P1 which was modified by Ext.P2 and modification, it is more beneficial to the petitioner. It is also submitted that Ext.R3(a) is the correct sketch and Ext.P3 does not reflect the correct lie of the land.

3. I heard the learned counsel for the 4th respondent also who filed a counter affidavit supporting the impugned order. The petitioner does not allege any malice from the part of the Additional District Magistrate or the

officials of the K.S.E.B. and going by Exts.P1 and P2 , the contention of the respondents that Ext.P2 is more beneficial to the petitioner has to be accepted. Violation of principles of natural justice cannot be pressed into service to attack an order which is more favourable to the petitioner. Further, going by the sketch, the route approved by the Additional District Magistrate is the most feasible and it passes a distance of 12 metres through the property of the petitioner and that too on the northern side of her property. So, no serious prejudice is caused to the petitioner. This Court can interfere with an order passed by the additional District Magistrate only on limited grounds. The petitioner has obtained interim orders from this Court by producing a rough sketch. I find no ground has been made out warranting interference with Ext.P2 proceedings.

The Writ petition is dismissed with cost.

K.BALAKRISHNAN NAIR, JUDGE.

MS